

THE HONORABLE BARBARA ROTHSTEIN

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

WILDWOOD TOWNHOME OWNERS
ASSOCIATION, a Washington Non-Profit
Corporation,

Plaintiff,

v.

AMERICAN FAMILY MUTUAL
INSURANCE COMPANY, S.I., a Wisconsin
Company; and DOE INSURANCE
COMPANIES 1-10,

Defendants.

No.: 2:21-cv-01080-BJR

STIPULATION ON MOTION TO
EXCLUDE EGGERT

Defendant American Family Mutual Insurance Company, S.I. (“AmFam”) has filed a Motion to exclude Plaintiff Wildwood Townhome Owners Association’s (the “Association”) construction expert, Kris Eggert (“Eggert”): “... from testifying as to his methodology and opinions regarding the historical weather data contained in his report, and further to bar Eggert from introducing testimony that he is able to pinpoint specific dates on which water intrusion and “hidden damage” occurred at Wildwood.” (Dkt. 48, 2:23-27). Because Eggert will not be testifying at trial with respect to the specific areas of testimony that AmFam seeks to exclude, the

parties submit the Proposed Order set forth below. In submitting the Proposed Order neither side is agreeing to the merits of the other side's position with respect to the Motion to Exclude.

DATED: April 7, 2023

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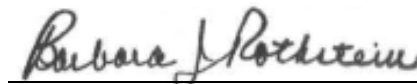
Attorneys for Plaintiff Wildwood
Townhomes Owners Association

ORDER

Based on the above parties Stipulation, IT IS SO ORDERED that:

- (1) Plaintiff's construction expert, Kris Eggert ("Eggert"), will not express any opinions attempting to identify the exact days that water intrusion and damage occurred based on weather data.
- (2) Eggert's opinions will not include any scientific or technical analysis of historical weather data.
- (3) Nothing in this Order is intended to prevent Eggert from testifying at trial that based upon his education, training, experience and his observations of the intrusive investigations at Wildwood that the damage that Plaintiff contends occurred at Wildwood was caused by weather/rain and that such damage at Wildwood occurred incrementally and progressively since shortly after initial construction and that new damage to sheathing and framing occurred each year after each rainy season.
- (4) AmFam's Motion to Exclude Eggert's testimony will be taken off calendar.

IT IS SO ORDERED this 10th day of April 2023.



BARBARA J. ROTHSTEIN
United States District Judge